

Commissioner of Patents
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REMARKS

I. Status of the Application.

Claims 1-27 of the Application were pending as of the date of the Office Action. In the Office Action, the Examiner:

- (a) objected to claims 9, 10, 12-18, 21-22, and 24-26 as being dependent upon a rejected base claim;
- (b) rejected claims 1, 19-20, and 23 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 1,557,277 to Stoney ("Stoney");
- (c) rejected claims 2-8 and 11 under 35 U.S.C. §103(a) as allegedly being unpatentable over Stoney in view of U.S. Patent No. 6,540,387 to Hashimaya et al. ("Hashimaya"); and
- (d) rejected claim 27 under 35 U.S.C. §103(a) as allegedly being unpatentable over Stoney in view of U.S. Patent No. 6,543,910 to Taniuchi et al. ("Taniuchi").

In this response, Applicants have cancelled claims 4, 6, 8-9, 18, 24, and 27, amended claims 1, 3, 5, 7, 10-13, 17, and 23, and added new claims 28-31. The new and amended claims do not constitute new matter and are supported by the Application as filed. Applicants respectfully submit that the foregoing amendments and following remarks incorporated herein overcome the Examiner's rejections and objections to the aforementioned claims and thus, respectfully request the allowance of the pending claims.

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II. Applicants' Added Claims Do Not Constitute New Matter.

As requested, Applicants have amended claim 1 to incorporate the limitations of claim 9, amended claim 12 to rewrite it in independent form, and amended claim 23 to incorporate the limitations of claim 24. Because these limitations were present in the original claims and are supported by the specification as filed, Applicants respectfully submit that these amendments to claims 1, 2, and 23 do not constitute new matter. The amendments to claims 3, 5, 7, 10, 11, 13, and 17 are merely made to correct the dependency of the claims. The new claims 28-31 merely correspond to original claims 19-22, but depend from claim 12 instead of claim 1. For these reasons, Applicants respectfully submit that no new matter is added by way of amendment and request that the amendments be entered.

III. The Objection to Claims 9, 10, 12-18, 21-22, and 24-26 Should Be Withdrawn.

The Examiner objected to claims 9, 10, 12-18, 21-22, and 24-26 because they were dependent upon a rejected based claim, but acknowledged that these claims would be allowable if rewritten in independent form. Based on this conclusion and the Examiner's stated reasons of allowable subject matter, Applicants have amended claim 1 to incorporate the limitations of claim 9, amended claim 12 to rewrite it in independent form, and amended claim 23 to incorporate the limitations of claim 24. Applicants have also amended the rest of the claims to depend from one of these allowable base claims. Accordingly, Applicants respectfully request that the Examiner withdraw the objections to claims 9, 10, 12-18, 21-22, and 24-26.

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IV. The Rejection of Claims 1, 19-20, and 23 Under 35 U.S.C. §102(b) Should Be Withdrawn.

Applicants respectfully submit that the rejection of claims 1, 19-20, and 23 under 35 U.S.C. §102(b) should be withdrawn because claim 1 has been amended to include the limitations of claim 9, claims 19-20 each depend from amended claim 1, and claim 23 has been amended to incorporate the limitations of claim 24. A rejection under section 102(b) can be overcome by amending the claims to patentably distinguish over the prior art. MPEP §706.02(a). As noted by the Examiner, the amendments to claims 1 and 23 to incorporate the limitations of claims 9 and 24, respectively, patentably distinguish claims 1 and 23 from any of the prior art. (Office Action, p. 5). Accordingly, Applicants respectfully submit that the rejection of amended claims 1 and 23 under 35 U.S.C. §102(b) should be withdrawn because Stoney does not disclose all the limitations of claims 1 and 23. Similarly, the rejections of claims 19-20 under 35 U.S.C. §102(b) should be withdrawn because these claims depend from and incorporate the limitations of amended claims 1 and 23.

V. The Rejection of Claims 2-8, 11, and 27 Under 35 U.S.C. §103(a) Should Be Withdrawn.

Applicants respectfully submit that the rejections of claims 2-8, 11, and 27 under 35 U.S.C. §103(a) should be withdrawn because claims 4, 6, 8, and 27 have been cancelled and claims 2, 3, 5, 7, and 11 have been amended to depend from an allowable base claim. "If an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP 2143.03 (citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988)). Claims 2, 3, and 5 each depend from amended claim 1 and claims 7 and 11 each depend from amended claim

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12. As explained above, claim 1 has been amended to incorporate the limitations of claim 9 and claim 12 has been amended in order to rewrite the claim in independent form. As noted in the Office Action, claims 1 and 12 should now be in allowable form. Accordingly, Applicants respectfully submit that the rejection of claims 2, 3, 5, 7, and 11 under 35 U.S.C. §103(a) should be withdrawn because they each depend from an allowable claim.

VI. Claims 28-31 Should Be Allowed.

New claims 28-31 correspond in scope with original claims 19-22 and depend from amended claim 12. As noted above and in the Office Action, amended claim 12 is now an allowable claim and claims 28-31 depend therefrom. Accordingly, Applicants request the allowance of new claims 28-31 because they do not add new matter and depend from and incorporate all the limitations of an allowable base claim.

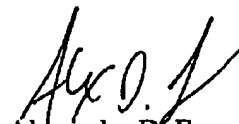
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CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that Applicants have made a patentable contribution to the art and that this response places the above-identified application in condition for allowance. Favorable reconsideration and allowance of this Application is therefore respectfully submitted. In the event Applicants have inadvertently overlooked the need for payment of an additional fee, Applicants conditionally petition therefore, and authorize any deficiency to be charged to deposit account 09-0007. When doing so, please reference the above-listed docket number.

Respectfully submitted,

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